

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**and**

**OSAGE MINERALS COUNCIL,**

**Plaintiff-Intervenor,**

**v.**

**OSAGE WIND, LLC, ENEL KANSAS,  
LLC, AND ENEL GREEN POWER  
NORTH AMERICA, INC.,**

**Defendants.**

**Court No. 4:14-cv-00704-JCG-JFJ**

**ORDER**

The Court began a damages trial in this matter on May 20, 2024. The trial was adjourned on May 31, 2024 after the Parties completed their evidentiary presentations. During the trial, Defendants objected to Plaintiff's Exhibit 26, "Project Short Views – Update 10/17/2014;" Plaintiff's Exhibit 57, "Defendants' Response to Plaintiff's Motion for Preliminary Injunction;" Plaintiff's Exhibit 58, the declaration of Bill Moskaluk; and Plaintiff's Exhibit 59, the deposition transcript of Bill Moskaluk. Plaintiff objected to the deposition transcripts of Mary Jeannine Hale and Robin Phillips being admitted into evidence. Upon consideration of all papers and proceedings in this action, it is hereby

**ORDERED** that post-trial briefs (including proposed statements of fact and findings of law) shall be filed on or before June 28, 2024. Briefs shall not exceed 40 pages in length; and it is further

**ORDERED** that the trial shall resume with closing arguments on July 9, 2024 at 9:00 AM at the Page Belcher Federal Building; and it is further

**ORDERED** that Defendants' objection to Plaintiff's Exhibit 26, "Project Short Views – Update 10/17/2014," is sustained; and it is further

**ORDERED** that Defendants' objections to Plaintiff's Exhibit 57, "Defendants' Response to Plaintiff's Motion for Preliminary Injunction," and Plaintiff's Exhibit 58, the declaration of Bill Moskaluk, are overruled. Plaintiff's Exhibits 57 and 58 are deemed admitted; and it is further

**ORDERED** that Defendants' objection to Plaintiff's Exhibit 58, the deposition transcript of Bill Moskaluk, is sustained; and it is further

**ORDERED** that Plaintiff's objections to the deposition transcripts of Mary Jeannine Hale and Robin Phillips are overruled. The deposition transcripts are deemed admitted into evidence; and it is further

**ORDERED** that the Parties shall inform the Court of the status of settlement efforts and any requests for Court ordered mediation on or before June 28, 2024.

IT IS SO ORDERED this 5th day of June 2024.

/s/ Jennifer Choe-Groves  
Jennifer Choe-Groves  
U.S. District Court Judge\*

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\*Judge Jennifer Choe-Groves, of the United States Court of International Trade, sitting by designation.